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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,971	09/21/2001	Thomas E. Slowe	37112-173581	6865

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/956,971

Applicant(s)

SLOWE ET AL.

Examiner

Dave Czekaj

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

On page 16, applicant argues that Foreman fails to disclose the modification of camera motion layers. While the applicant's points are understood, the examiner respectfully disagrees. See for example Foreman column 9, lines 51-67. There Foreman discloses modifying a storyboard region, or original camera motion layer, by inserting or deleting different camera shots. The examiner further notes that a reasonably broad interpretation can be given to the term "camera motion layer" since the camera motion layer is not defined in the claim. Therefore the rejection has been maintained.

On page 16, applicant argues that Foreman fails to disclose changing the ordering of the camera motion layers. While the applicant's points are understood, the examiner respectfully disagrees. See for example Foreman column 13, lines 4-9. There Foreman discloses deleting/moving the video clips or camera motion layers. Therefore the rejection has been maintained.

On page 17, applicant requests a reference to show the limitation of a user-activated region to a camera-motion layer. Please see Zdepski et al. (US 6,606,746) column 16, lines 29-32, wherein the user-activated region is the button.

On page 17, applicant argues that Petelycky fails to disclose modifying the on/off time of a camera motion layer. While the applicant's points are understood, the examiner respectfully disagrees. See for example Petelycky column 13, lines 50-67. There Petelycky discloses controlling the start and end display times by manipulating

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the sliders. The examiner notes that the special effect is applied to an object on the camera motion layer, thus obtaining a modified camera motion layer. Therefore the rejection has been maintained.

On page 17, applicant argues that Petelycky fails to disclose modifying the opaqueness or size of the camera motion layer. While the applicant's points are understood, the examiner respectfully disagrees. See for example Petelycky figure 3E, column 15, lines 24-26. There Petelycky discloses the effect, such as the size and transparency or opaqueness, can be applied to the sequence or camera motion layer. Therefore the rejection has been maintained.

On page 17, applicant argues that Petelycky fails to disclose the fading in/out of the camera motion layer. While the applicant's points are understood, the examiner respectfully disagrees. See for example, Petelycky figure 3A. There Petelycky discloses modifying the duration or fading in/out time. Therefore the rejection has been maintained.

On page 18, applicant argues that Petelycky fails to disclose the addition or deletion of a camera motion layer. While the applicant's points are understood, the examiner respectfully disagrees. See for example Petelycky column 11, lines 42-55. There Petelycky discloses adding or deleting files/materials or motion layers on a storyboard. Therefore the rejection has been maintained.

On page 18, applicant argues that Maeda fails to disclose editing the camera motion parameters. While the applicant's points are understood, the examiner

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respectfully disagrees. See for example Maeda column 13, lines 15-25. There Maeda discloses modifying, or editing, the background image, or camera motion parameter.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 22, 25-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (6625316).

Regarding claims 1, 25-27, and 29, Maeda discloses an apparatus that relates to extracting an object from an image and processing the extracted image (Maeda: column 1, lines 8-11). This apparatus comprises "editing at least one or more original camera motion layers to obtain modified camera motion layers such that each from of a video sequence composed from the modified camera motion layers and the original fixed frame layers is obtained without editing each from of the original sequence" (Maeda: column 13, lines 15-28, wherein the original camera motion layers is the background, the editing is the process of modifying the input, and the modified layer is the background after the editing has occurred). Although Maeda fails to show the modified camera motion layer corresponding to an original camera motion layer having a substantially non-stationary component as claimed, Maeda does show modifying a camera motion

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layer corresponding to an original camera-motion layer (Maeda: figure 8, column 10, lines 55-65, wherein the camera motion layer is the background captured by items 202 and 207. The examiner notes that since the background is a motion image, the substantially non-stationary component is the motion image described having little motion). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the substantially non-stationary component in order to obtain an apparatus that is more versatile by being able to handle both stationary and non-stationary images.

Regarding claims 2 and 22, Maeda discloses "converting one of the original camera motion layers to an original image" (Maeda: column 13, lines 15-28, wherein the converting is the decoding to obtain an image), "editing to obtain a modified image" (Maeda: column 13, lines 15-28, wherein the editing is the process of modifying the input), and "converting the modified image to one of the modified camera motion layers" (Maeda: column 14, lines 38-40, wherein the modified image is converted or synthesized with the rest of the layers).

3. Claims 3-5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (6625316) in view of Jasinski et al. (6504569), (hereinafter referred to as "Jasinski").

Regarding claims 3 and 23, note the examiners rejection for claim 1, and in addition, claims 3 and 23 differ from claim 1 in that claims 3 and 23 further require rectifying the original and modified image prior to editing and converting

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the image. Jasinski teaches that it is well known in the art to rectify an image before manipulating the object (Jasinski: column 1, lines 20-31, wherein the rectifying is projecting the images on different planes). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Maeda and add the image rectifying taught by Jasinski in order to obtain an apparatus that edits an object correctly by first placing the object in the correct perspective.

Regarding claims 4 and 5, Maeda discloses "inserting, deleting, or changing a portion to obtain modified camera motion layers" (Maeda: column 13, lines 15-28, wherein the changing is the enlargement or reduction which then replaces the camera motion layer).

4. Claims 6, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (6625316) in view of Foreman et al. (6628303), (hereinafter referred to as "Foreman").

Regarding claims 6 and 15, note the examiners rejection for claim 1, and in addition, claims 6 and 15 differ from claim 1 in that claims 6 and 15 further require adding a video sequence to the original camera motion layers. Foreman teaches that prior art video processing systems are very complex utilizing multiple windows for controlling parameters of video (Foreman: column 1, lines 39-41). To help alleviate this problem, Foreman discloses a single interface wherein a user can "add a video sequence to one of the original camera motion layers" (Foreman: figure 8, column 9, lines 61-62, wherein the video sequence is

the shots). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Maeda and add the editing system taught by Foreman in order to obtain an apparatus that is easy to use by all users.

Regarding claim 13, Foreman discloses "modifying an order of one of the original camera motion layers" (Foreman: figure 8, column 9, lines 61-67, wherein modifying the order is modifying the order in which the video is inserted).

5. Claims 7-12, 14, 16-21, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (6625316) in view of Petelycky et al. (6204840), (hereinafter referred to as "Petelycky").

Regarding claim 7, note the examiners rejection for claim 1, and in addition, claim 7 differs from claim 1 in that claim 7 further requires adding an animation sequence to one of the original camera motion layers. Petelycky teaches that prior art video editing systems are difficult to learn and use (Petelycky: column 1, lines 39-44). To help alleviate this problem, Petelycky discloses an apparatus that provides an interface that allows the user to "add animation sequences to one of the original camera motion layers" (Petelycky: figure 3E, column 15, lines 1-28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Maeda and add the editing system taught by Petelycky in order to obtain an apparatus that is easy to learn and use.

Regarding claims 8-9, although not disclosed, it would have been obvious to add a 3-D object or user-activated region to one of the camera motion layers (Official Notice). Doing so would have been obvious in order to make the video more appealing to the user.

Regarding claim 10, Petelycky discloses "modifying an on/off time of one of the original camera motion layers" (Petelycky: figure 3B, wherein the on/off time is modified by use of the sliders).

Regarding claim 11, Petelycky discloses "modifying an opaqueness of one of the original camera motion layers" (Petelycky: figure 3E, wherein the opaqueness is modified using the transparent slider).

Regarding claim 12, Petelycky discloses "modifying fade-in/fade-out of one of the original camera motion layers" (Petelycky: figure 3F, items 364-365).

Regarding claim 14, Petelycky discloses "deleting one of the original camera motion layers" (Petelycky: column 11, lines 53-54).

Regarding claim 16, Petelycky discloses "modifying a size of one of the original camera motion layers" (Petelycky: figure 3E, wherein the size is modified by the size slider).

Regarding claims 17-19 and 24, Maeda discloses "editing camera motion parameters of one of the original camera motion layers" (Maeda: column 13, lines 15-25, wherein the camera motion parameters are described by the affine transformation, which is based on analytical calculations for both the foreground and background objects).

Regarding claim 20, Maeda discloses "replacing the camera motion parameters with camera motion parameters from another video sequence" (Maeda: column 13, lines 15-25, column 14, lines 38-44, wherein replacing is the synthesizing different objects from different source layers which all have different camera motion parameters or affine transformations).

Regarding claims 21 and 28, Maeda discloses "editing at least one of the fixed-frame layers" (Maeda: figure 15, wherein the cattle is the fixed frame layer or foreground object).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC


VULE
PRIMARY EXAMINER